

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

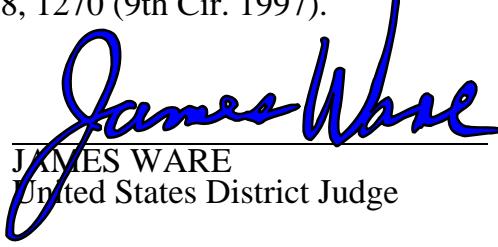
10 GARY LEE ROBERSON, )  
11 Petitioner, ) No. C 04-00272 JW (PR)  
12 vs. ) ORDER DENYING MOTION FOR  
13 D. L. RUNNELS, Warden, ) CERTIFICATE OF APPEALABILITY  
14 Respondent. )  
15 \_\_\_\_\_ ) (Docket No. 51)  
16

17 Petitioner has filed a motion for a certificate of appealability under 28 U.S.C.  
18 § 2253(c) and Federal Rule of Appellate Procedure 22(b).

19 Petitioner's motion for a certificate of appealability (Docket No. 51) is  
20 DENIED because petitioner has not made "a substantial showing of the denial of a  
21 constitutional right." 28 U.S.C. § 2253(c)(2). Petitioner has not demonstrated that  
22 "reasonable jurists would find the district court's assessment of the constitutional  
23 claims debatable or wrong." Slack v. McDaniel, 529 U.S. 473, 484 (2000).

24 The clerk shall forward to the Court of Appeals the case file with this order.  
25 See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997).

26 DATED: May 1, 2008



27  
28 JAMES WARE  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

GARY LEE ROBERSON,

Case Number: CV04-00272 JW

Petitioner,

**CERTIFICATE OF SERVICE**

v.

D. L. RUNNELS, Warden,

Respondent.

/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 5/2/2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Gary Lee Roberson T-06032  
High Desert State Prison  
P. O. Box 3030  
Susanville, Ca 96127-3030

Dated: 5/2/2008

Richard W. Wiking, Clerk  
/s/ By: Elizabeth Garcia, Deputy Clerk